IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2834 OF 2004

Smt. Yamunabai Mahipat Rane ... Petitioner

Vs.

M/s. Santosh Enterprises and Ors. Respondents

Mr. K.K. Jadhav for Petitoenr.

Mr.D.H. Mehta with Mr. C.N. Kale for R. No. 1.

Mrs. A.K. Savla for B.M.C.

Mr. M. mOre, A.G.P. for R Nkos. 2 and 6.

Mr. G.D. Utangale for R. No.3.

CORAL: F.I. REBELLED &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 24TH JULY, 2006

P.C.:

. It is the case of the Petitioner that she is entitled to commercial premises and there is also dispute in so far as the area is concerned. On behalf of the Respondent, the learned counsel points out that in the annexure the Petitioner is shown to be entitled to residential cum commercial premises. If the Petitioner is having dispute as to her entitlement, the appropriate remedy is to prefer appeal. In the light of that the learned counsel seeks leave to withdraw the Petition with liberty to prefer appeal. If the Petitioner prefers an appeal within three weeks from today, the same will be

heard on merits and no objection as to the limitation will be taken by the respondents. The appeal to be disposed of at an rate not later than four months on preferring the appeal. In the meantime and till the disposal of the appeal, the Petitioner not to be dispossessed from the transit accommodation.

. All contentions made on behalf of the Respondent No. 1 are kept open for consideration and can be agitated before the appropriate authority.

. With the above observations, Petition disposed of.

(MRS.V.K.TAHILRAMANI,J.) **(F.I.REBELLO, J.)**